IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No.385 (S/S)2007

Ramesh Chandra S/o Sri Shekhar Chandra,
R/o village Mokshama, P.O. Naini Danda,
District Pauri Garhwal. ---- Petitioner.

Vs.

1. Uttaranchal Jal Sansthan,
   Jal Bhawan, B- Block Nehru Colony, Dehradun,
   Through its Managing Director,
2. General Manager, Uttaranchal Jal Sansthan,
   Jal Bhawan, B- Block Nehru Colony, Dehradun,
3. Audit Officer/Enquiry Officer,
   Uttaranchal Jal Sansthan, Jal Bhawan, B-Block,
   Nehru Colony, Dehradun, ----Respondents.

Sri Ram Ji Srivastava, learned counsel for the petitioner and
Sri Rakesh Thapliyal, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sri Ram Ji Srivastava, learned counsel for the petitioner and Sri Rakesh Thapliyal, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari calling for the records and quashing the charge sheet dated 21.12.2006 and notice dated 20.02.2007 (annexure nos. 5 & 7 to the writ petition respectively) issued by Audit Officer/ Inquiry Officer, Uttaranchal Jal Sansthan, Dehradun-respondent no. 3 as well as the entire proceeding in pursuance thereof,

ii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

iii. Award cost of the petition to the petitioner.

It is contended on behalf of the petitioner that he was initially engaged as Clerk with the respondents on daily wage basis w.e.f. 24.11.1979. Vide order dated 30.01.1984, the services of the petitioner were regularized. An F.I.R. was lodged against the petitioner under section 409,420, 467, 468, 471 and 201 I.P.C. in police station Narendra Nagar, Tehri Garhwal, consequently he was placed under suspension vide order dated 12.07.1990 passed by the General Manager, Garhwal Jal sansthan, Dehradun. After conclusion of the trial, the Court of Chief Judicial Magistrate, Tehri Garhwal has acquitted the petitioner on 13th April 2006. Against the order of acquittal, the respondents preferred appeal before the Chief General Manager New Tehri which is still pending.

The petitioner thereafter, moved application for his reinstatement on 21st December 2006. But rather reinstating the petitioner in service, the respondents have initiated Departmental Inquiry against him. The petitioner thus has challenged the Departmental Proceedings on the ground that the same has been initiated after about more than 16 Years. In this regard the petitioner has already moved application before the respondents to drop the Departmental Inquiry and to reinstate his services on 10.01.2007 and 13.03.2007.

During the course of arguments, learned counsel for the petitioner has confined his prayer to the extent that he may be permitted to make fresh representation before the Chief General

Manager, Uttarakhand Jal Sansthaan, Dehradun against the Departmental Proceeding initiated by the respondents and the Chief General Manager may be directed to take decision on the representation of the petitioner within the period prescribed by the Court.

The prayer is innocuous.

Accordingly, the petitioner is permitted to make representation before the Chief General Manager, Uttarakhand Jal Sansthan, Dehradun within a period of two weeks from today and it is expected from the Chief General Manager to take decision on the representation, if any moved by the petitioner, in accordance with law, within a period of four weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 24, 2007:
NCM: